

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: Mary Agboola

Case No.: 14-13911

Judge: Hon. Rosemary Gambardella

Debtor(s) Chapter: 13

CHAPTER 13 PLAN AND MOTIONS - MODIFIED

☐ Original

☒ Modified/Notice Required

☒ Discharge Sought

☒ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: 11/10/2016

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay 3,100.00 Monthly to the Chapter 13 Trustee, starting on 11/01/2016 for approximately 29 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☒ Other sources of funding (describe source, amount and date when funds are available): Excess funds on account of the Debtor's full pay off of the claim of Toyota Motor Credit Corp.

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property
 Description:
 Proposed date for completion: _____
- ☐ Refinance of real property
 Description:
 Proposed date for completion: _____
- ☐ Loan modification with respect to mortgage encumbering property
 Description:
 Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
-NONE-		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
 -NONE-

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
Midland Mortgage (Division of MidFirst)	One Family located at 762 Valley Street, Maplewood, NJ 07040	50,797.82

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

_____ Not less than \$ _____ to be distributed *pro rata*

 X Not less than 100 percent

_____ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims

- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims

The Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

e. Other Provisions:

- * Midland Mortgage's Secured Claim totaling \$50,797.82 is calculated as follows:
 - 1. \$27,452.55 -- Balance of Midland Mortgage's Claim per the Standing Trustee's Account Ledger
 - 2. \$23,345.27 -- Post-petition Escrow Advances for Taxes paid by Midland Mortgage through 9/1/2016
- * Debtor shall pay all future escrow charges directly to the Municipality

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.
 Date of Plan being modified: 10/13/2014.

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
To provide for payment of post-petition escrow (real property taxes and insurance) disbursements made by the mortgagee.	Inclusion of the subject secured claims of the mortgagee to be paid by the Standing Trustee for the remainder of the Debtor's Plan, which has 30 months left, and the allocation of excess funds from the cessation of payments to Toyota Motor Credit Corp.

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date November 10, 2016 /s/ Michael I. Okechuku, Esq.
Michael I. Okechuku, Esq.
 Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: November 10, 2016 /s/ Mary Agboola
Mary Agboola
 Debtor

Date: _____

 Joint Debtor

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Mary Agboola
 Debtor

Case No. 14-13911-RG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 19

Date Rcvd: Nov 15, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 17, 2016.

db
 514568386 +Mary Agboola, 762 Valley Street, Maplewood, NJ 07040-2610
 514568387 Bloomingdales, PO Box 183083, Columbus, OH 43218-3083
 514846372 +CitiMortgage, 1000 Technology Drive, O'Fallon, NJ 63368-2240
 514640532 CitiMortgage, Inc., P.O. Box 688971, Des Moines, IA, 50368-8971
 +Department Stores National Bank/Bloomingdales, Bankruptcy Processing, Po Box 8053,
 Mason, OH 45040-8053
 514640164 +Department Stores National Bank/Macys, Bankruptcy Processing, Po Box 8053,
 Mason, OH 45040-8053
 514568389 Macy's, PO Box 183083, Columbus, OH 43218-3083
 516284363 +MidFirst Bank, 999 Northwest Grand Blvd., Suite 100, Oklahoma City, OK 73118-6051
 516284364 +MidFirst Bank, 999 Northwest Grand Blvd., Suite 100, Oklahoma City, OK 73118,
 MidFirst Bank, 999 Northwest Grand Blvd. 73118-6051
 514568390 +Portfolio Recovery Associates, C/O Frank A. Atcheson, Esq., 7800 River Road,
 North Bergen, NJ 07047-6245
 514568391 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Financial Services, Bankruptcy Dep't, PO Box 8026,
 Cedar Rapids, IA 52409-8026)
 514625292 Toyota Motor Credit Corporation (TMCC), PO BOX 8026, Cedar Rapids, Iowa 52408-8026
 514568392 +Victoria's Secret, PO Box 659728, San Antonio, TX 78265-9728

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Nov 15 2016 23:01:47 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Nov 15 2016 23:01:45 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 514568388 E-mail/PDF: gecsedirecoverycorp.com Nov 15 2016 22:58:43 Lord & Taylor, PO Box 960035,
 Orlando, FL 32896-0035
 514897851 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 15 2016 23:11:45
 Portfolio Recovery Associates, LLC, c/o California Federal, POB 41067, Norfolk VA 23541
 514844007 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 15 2016 23:23:09
 Portfolio Recovery Associates, LLC, c/o Lord & Taylor, POB 41067, Norfolk VA 23541
 514761183 E-mail/Text: bnc-quantum@quantum3group.com Nov 15 2016 23:01:38
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 TOTAL: 6

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

515210974* CitiMortgage, Inc, P.O. Box 688971, Des Moines, IA 50368-8971

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 17, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 10, 2016 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor CITIMORTGAGE, INC. dcarlon@kmlawgroup.com,
 bkgroup@kmlawgroup.com
 Denise E. Carlon on behalf of Creditor MidFirst Bank dcarlon@kmlawgroup.com,
 bkgroup@kmlawgroup.com
 Marie-Ann Greenberg magecf@magtrustee.com
 Michael I Okechuku on behalf of Debtor Mary Agboola paneltrustee_michael@yahoo.com
 R. A. Lebron on behalf of Creditor CITIMORTGAGE, INC. bankruptcy@feinsuch.com

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 19

Date Rcvd: Nov 15, 2016

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

TOTAL: 5